



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 30, 1993

Mr. Gary Keane  
General Counsel  
Dallas/Fort Worth International Airport  
P.O. Drawer DFW  
Dallas/Fort Worth Airport, Texas 75261

OR93-711

Dear Mr. Keane:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code (former article 6252-17a, V.T.C.S.).<sup>1</sup> Your request was assigned ID# 22544.

The Dallas/Fort Worth International Airport (the "airport") received two open records requests for records generated by the airport's Department of Public Safety in connection with an on-going investigation of an alleged theft, alleged impersonation of a peace officer, and alleged assault. You state that you have released to the requestors copies of the initial offense reports, the complainants' signed statements, "Evidence Reports," and "Custody Logs." You seek to withhold the remaining information contained in "Supplemental Offense Reports" pursuant to former sections 3(a)(3) and 3(a)(8) of the Open Records Act (now found at sections 552.103 and 552.108, respectively, of the Government Code).

Section 552.108, known as the "law enforcement" exception, excepts from required public disclosure:

- (a) A record of a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . .
- [and]

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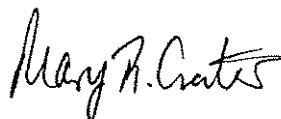
<sup>1</sup>We note that the Seventy-Third Legislature repealed article 6252-17a, V.T.C.S. Acts 1993, 73d Leg., ch. 268, § 46, at 988. The Open Records Act is now codified in the Government Code at chapter 552. *Id.* § 1. The codification of the Open Records Act in the Government Code is a nonsubstantive revision. *Id.* § 47.

(b) An internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement . . . .

In *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976), the court of civil appeals established the guidelines regarding the types of information contained in police files that normally constitute public information. In Open Records Decision No. 127 (1976) at 4, this office concluded that during the pendency of a criminal investigation, law enforcement agencies may withhold all information gathered during the course of the investigation under section 552.108 except for information which is typically found on the front page of the offense report. Therefore, based on your representations that you have released the initial offense reports to the requestors and that the airport's investigation of the alleged crimes is on-going, the airport may withhold the supplemental reports pursuant to section 552.108. Because we resolve your request on the basis of section 552.108, we need not address your section 552.103 claims.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact our office.

Yours very truly,



Mary R. Crouter  
Assistant Attorney General  
Open Government Section

MRC/RWP/rho

Ref.: ID# 22544

Enclosures: Submitted documents

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